THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.16157 of 2000

Dated : 21.09.2007

Between:

K.Shamantha

..... PETITIONER

And:

The Cantonment Executive Officer,
Secunderabad Cantonment Board,
Secunderabad.

.....RESPONDENT

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.16157 of 2000

ORDER:

Petitioner is the absolute owner of plot No.1 in Sy.No.146 admeasuring 288 square yards situated at Bharathi Laxmi Narasimhaswamy Cooperative Housing Society, Hasmathpet Road, Secunderabad cantonment. While so, the officials of the respondent cantonment board, without any right, whatsoever, had unauthorisedly entered into the plot of the petitioner and dug a channel to drain out the rain water. Questioning the said action, this writ petition is filed.

While issuing rule nisi on 04.09.2000, this Court granted an interim injunction restraining the respondents and their men and

agents from entering or interfering with the possession and enjoyment of the petitioner in respect of the said plot.

Despite service of notice, the respondent has not chosen to file any counter-affidavit.

As the contentions of the petitioner are not controverted by the respondent, this court is of the view that the contentions raised by the petitioner are to be accepted. But, as it is stated that damage to the property of the petitioner has already been done, this Court is of the view that no orders can be passed in this writ petition and it is for the petitioner to approach a competent civil court claiming damages.

Accordingly, the writ petition is disposed of giving liberty to the petitioner to approach a competent civil court for his redressal, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

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21.09.2007

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